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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 GOTTSCHALL ET AL.,

No. C 10-05096 CRB

12 Plaintiffs,

**ORDER REQUIRING
SUPPLEMENTAL BRIEFING**

13 v.

14 GENERAL ELECTRIC COMPANY ET
15 AL.,

16 Defendants.
_____ /

17 Defendant General Dynamics argues, in opposition to Plaintiffs' Motion for
18 Reconsideration, that Judge Robreno has consistently dismissed "both [Plaintiffs']
19 negligence and strict-liability claims via the government-contractor defense," dkt. 38 at 4,
20 and that, when Judge Robreno has denied "the summary-judgment motion of a defendant
21 who has asserted the government-contractor defense, he does it because he believes that
22 Plaintiffs have raised a triable issue of material fact regarding the Navy's policy towards
23 warnings," dkt. 18 at 9. But the two cases Defendant cites both simply show Judge Robreno
24 rejecting the application of the government-contractor defense based on a genuine issue of
25 material fact – in one case based on the same evidence Plaintiffs rely on here. Neither case
26 shows Judge Robreno rejecting the application of the government contractor defense as to the
27 failure to warn claims while applying that defense to other claims.
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1 Defendant is therefore ordered to file by Friday, January 11, 2013 at 5:00 pm a
2 supplemental brief of no more than five pages, pointing the Court to any authority supporting
3 its contention that Judge Robreno has consistently dismissed negligence and strict-liability
4 claims under such circumstances. Plaintiffs may file a simultaneous brief, also of no more
5 than five pages, on this same subject, if they wish to do so.

6 **IT IS SO ORDERED.**

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8 Dated: January 7, 2013


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE